

Amendments to the California Rules of Court and Standards of Judicial Administration Effective July 1, 2000

Appellate

Rules 14(b)–(c) and 105(b) (Briefs). Amended rules 14(b)–(c) and 105(b) allow the Attorney General to file an amicus curiae brief without obtaining the permission of the Chief Justice or a presiding judge, and specify time limits in the Courts of Appeal for the Attorney General to file an amicus brief and for a party to file an answer to it.

Rule 14.5. Requests for Judicial Notice. New rule 14.5 requires that a request for judicial notice in a cause pending before the Supreme Court or the Court of Appeal be made by a motion filed separately from a brief or other paper.

Rules 15, 16, 28, 56(b), and 105(e) (Unfair Competition Cases). These amended rules require that each brief and each petition in unfair competition cases be served on the Attorney General of California and on the local district attorney, as required by Business and Professions Code section 17209. They also require that briefs and petitions in unfair competitions cases be so identified on the cover.

Rules 24(d) and 56(a), (d) (Appellate Writs). These rules were amended to facilitate writ proceedings:

- Amended rule 24(d) allows the Court of Appeal discretion to order early finality when a writ petition is denied after issuance of an alternative writ or an order to show cause.
- Amended rule 56 requires writ petitions to comply with rule 15, insofar as it is practicable to do so, unless the rules specifically provide otherwise. Volumes of supporting documents are limited to 300 pages each, and exhibits in multiple volumes must be paginated consecutively.

Rule 39.57. Time for Filing Briefs in Death Penalty Cases. Rule 39.57, which establishes the briefing schedule in capital appeals, was amended to apply to all capital cases in which trial commenced on or after January 1, 1997.

Rule 135(e). Costs on Appeal. Amended rule 135(e) establishes a procedure for requesting or imposing sanctions in the appellate division of the superior court, similar to the procedures in other appellate courts.

Civil and Small Claims

Rules 201, 313, 324, 325, 376, 379, 388, 391, 501, and 981.1 (Uniform Statewide Rules). Rule 981.1, which preempts local rules relating to pleadings, demurrers, ex parte applications, motions, discovery, provisional remedies, and form and format of papers, goes into effect July 1, 2000. The rule was amended to clarify the scope of preemption

and to create a temporary exception for local rules relating to class actions, eminent domain proceedings, and receivership proceedings. This exception will last until January 1, 2002, when the Judicial Council is expected to develop statewide rules in these areas.

A number of statewide rules were adopted or amended in response to courts' requests that their local rules be adopted statewide before the preemption of local rules goes into effect:

- Amended rules 201 and 501 provide that, at the option of the person filing papers, a fax number and an e-mail address may be included on the first page of the papers.
- Amended rule 313 clarifies the proper manner of paginating a memorandum.
- Amended rule 324, on tentative rulings, clarifies the rule and allows courts to make tentative rulings available not only by telephone but also by other methods.
- Amended rule 325 requires that a demurrer be set for hearing on a date no later than 35 days following the filing of the demurrer.
- Amended rule 376 requires the use of a new Judicial Council form for all motions to be relieved as counsel.
- Amended rule 379 requires that the party making an ex parte application include in a declaration that the opposing party has been notified of the relief sought.
- New rule 388 lists the documents that must be filed in order to obtain a default judgment on declarations.
- Amended rule 391 clarifies the procedures for preparation of orders after a hearing.

Family and Juvenile

Rule 1280.10. Procedures for Hearings to Set Aside Voluntary Declarations of Paternity When No Previous Action Has Been Filed. New rule 1280.10 explains the procedure for the creation of a court file upon the filing of a request for hearing when there is no prior action between the parties.

Rule 1280.11. Minimum Standards of Training for Court Clerk Staff Whose Assignment Includes Title IV-D Child Support Cases. New rule 1280.11 provides a standard of training for court clerks assigned to Title IV-D child support cases.

Rule 1432(e)–(f). Petition for Modification. Amended rule 1432(e) correctly cross-references rule 1407. Amended rule 1432(f) adds an exception limiting the court's discretion to decide petitions under Welfare and Institutions Code section 388 on the basis of documentary evidence.

Rule 1452. Failure to Cooperate With Services. Amended rule 1452 correctly cross-references Welfare and Institutions Code sections 301 and 360.

Traffic

Rule 828(b)(5). Trial by Written Declaration. Amended rule 828(b)(5) requires the clerk to send a copy of Form TR-235, *Officer's Declaration*, to the arresting officer's agency when a defendant makes a request for trial by written declaration.

Judicial Administration

Rule 6.44. Probate and Mental Health Advisory Committee. New rule 6.44 creates the Probate and Mental Health Advisory Committee and establishes its area of focus and its membership.